

RO 16

Candidate Guide (House of Assembly)



Electoral Commission SA

State Election 2014

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Guide purpose

This booklet is intended to assist you to understand the legal requirements of being a candidate for a House of Assembly election and explains:

- eligibility provisions
- nomination, voting ticket and how-to-vote card requirements
- voting and counting processes
- candidate campaign and scrutineering obligations.

Abbreviations used throughout this manual may relate to various Acts and Regulations eg:

- Electoral Act 1985 (**EA**)
- Electoral Regulations 2009 (**ER**)
- Constitution Act 1934 (**CA**)
 - Specific Sections of the Act are referred to as **s7** = Section 7 of the Act
 - Multiple Sections of the Act are referred to as **ss65, 66** = Section 65 and Section 66 of the Act
 - Specific Regulations of the Act are referred to as **r2** = Regulation 2.

Introduction

The House of Assembly Candidate Guide assists those interested in nominating as a candidate for parliamentary elections to the lower house of the South Australian parliament.

Although this publication outlines key legal requirements, for further information you should consult the Electoral Act 1985 and the Regulations under that Act. The Electoral Act may be downloaded from the South Australian Government Legislation website at **www.legislation.sa.gov.au**

While the Electoral Commission of South Australia (ECSA) will provide information, it cannot offer legal advice regarding the interpretation of the Act or the conduct of election campaigns. You may wish to consider seeking your own independent legal advice on any complex queries.

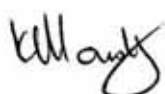
There is a House of Assembly Returning Officer (RO) appointed for each district to undertake a number of election activities including:

- establish and staff polling booths
- receive candidate nominations from independent candidates
- conduct a draw for candidate names on ballot papers
- organise electoral officials to attend declared institutions and mobile polling in remote areas (if required)
- process declaration envelopes and conduct the scrutiny and count of declaration vote ballot papers
- undertake a recheck of all ballot papers, distribution of preferences and declare the result of the election.

The names, addresses and contact details of each RO are available from ECSA. Please contact the RO for your district to discuss such matters as polling booth locations and the appointment of scrutineers.

The ECSA election website includes a range of election information and education resources that might be of interest to you and electors in your district. The information includes A4 maps and background profiles for each district, election education fact sheets, past election results, brochures about enrolling and voting in 17 languages, and much more.

If you have any queries about the contents of this guide, please contact: ECSA, Level 6, 60 Light Square, ADELAIDE SA 5000 (Phone: (08) 7424 7488) or check the **www.ecsa.sa.gov.au** website.



K Mousley
Electoral Commissioner
2013

PART 1: Election timetable

Refer: EA 1985 ss47 to 50, 99

Issue of the Writ

Writs for simultaneous elections of the Legislative Council and the House of Assembly are issued by the Governor and deemed issued at one minute past midnight on the day on which it is signed.

Writs are issued 28 days prior to polling day and are addressed to the Electoral Commissioner. The writ sets out the dates for roll close, nominations close, polling day and for their return to the Governor.

The Electoral Commissioner must as soon as practicable after the issue of a Writ:

- advertise its terms in a newspaper circulating throughout the State
- notify all ROs of the election timetable specified in the Writ.

Note: It is the responsibility of ROs, under the direction of the Electoral Commissioner, to organise the conduct of elections in their respective districts.

Writ issue	28 days prior to polling day
Roll close	The close of the rolls must be 6 days after the issue of the Writ. Claims for enrolment or transfer of enrolment received after that date are not effective on polling day.
Nominations close	The close of nominations must be 3 days after the close of the rolls. Nominations close at 12 noon on that date. Note: Nominations for party endorsed candidates lodged centrally by a party's registered officer close 48 hours earlier.
Polling day	The day fixed for polling day is the third Saturday in March every fourth year after the last general election was held. Where there are simultaneous elections for both Houses of Parliament, polling must be on the same day.
Declaration of the poll and return of the Writ	The RO must, as soon as convenient after the election result is known, publicly declare the result and announce the name of the candidates elected. All candidates will be advised of the date, time and place for the declaration of the poll. ROs are required to provide the Electoral Commissioner with written confirmation of the result. The Writs containing the names of successful candidates are then returned to the Governor.

ELECTION TIMETABLE

WRIT ISSUE

By the Governor 28 days prior to polling day
Saturday 15 February 2014

6 days

CLOSE OF ROLL

Friday 21 February 2014

The deadline for electors to ensure they are correctly enrolled

3 days

CLOSE OF NOMINATIONS

12 noon Monday 24 February 2014

To register candidature for the parliament

Pre-poll voting commences as soon as practicable after ballot papers are available – postal (including registered declaration voters), in-person voting at pre-poll centres, declared institutions and mobile polling in remote areas

POLLING DAY

Saturday 15 March 2014

Booths open 8am to 6pm
Electors vote in booths in their district
or
by declaration vote if absent/away from their district

Sunday 16 March 2014

Recheck and recount House of Assembly ordinary votes taken in booths and two party preferred count undertaken

Saturday 22 March 2014

Deadline for receipt of all declaration votes

Sunday 23 March 2014

Preferences distributed and counts finalised

WRIT RETURN

Latest date for formal notification of the election results

1st SITTING OF PARLIAMENT

Within 12 calendar months of the last sitting day

PART 2: Candidate eligibility & status

Refer: EA 1985 s52, CA 1934 ss31, 43A, 44, 45, 46(1), 46A, 47. See also Appendix

You must be properly nominated before you can contest an election for either House. The RO will accept nominations at face value, so it is in your interests to ensure that your nomination can withstand any challenge in the Court of Disputed Returns.

2.1 Eligibility for nomination

You must, at roll close for the relevant election, be enrolled (and qualified to stand) for an address in South Australia [EA s52(1)]. To confirm your eligibility, verify your enrolment at <https://oevf.aec.gov.au>

A person is not qualified to be a candidate for election as a member of the House of Assembly if the person would, if elected, be required to immediately vacate his or her seat under section 31 of the *Constitution Act 1934*.

In order to enrol and vote:

- you must lodge an enrolment claim form and be:
 - at least 18 years old
 - an Australian citizen, or
 - a British subject who was on either a South Australian, Commonwealth or Territory roll sometime between 26 October 1983 and 25 January 1984 inclusive
 - of sound mind
 - a resident of South Australia and have lived at your principal place of residence for which you claim enrolment for at least one month immediately preceding the date of your claim for enrolment; or
- be enrolled on the Commonwealth roll for an address within a subdivision in South Australia.

2.2 Inability to be elected & vacation of seat under specified circumstances

The *Constitution Act 1934* (CA) specifies a number of circumstances whereby certain candidates may be incapable of being elected or may subsequently forfeit their seats. Many of these provisions have not been tested at law and cannot be interpreted here. The relevant sections are set out in full in the Appendix and the onus is on candidates to comply.

The following are not eligible to take up a House of Assembly seat:

- Members of the Legislative Council [CA 1934 s43A]
- Judges of any Court of the State [CA 1934 s44]
- Members of the Commonwealth Parliament, either House [CA 1934 s47(1)].

2.3 Multiple nominations

You cannot be nominated as a candidate for an election for the House of Assembly and the Legislative Council, or for two or more Assembly elections, to be held on the same day.

At the declaration of nominations, if you are nominated as a candidate in more than one of those elections, each of your nominations is invalid [EA s52(2)].

2.4 Officers or employees of the Crown

If you occupy such a position, you should check the relevant legislation, State or Commonwealth, detailing whether and when you should resign when contesting State elections (eg Public Sector Act 2009; Commonwealth Public Service Act 1999 & Regulations).

Section 45(2) of the Constitution Act states 'If a candidate for election as a member of Parliament holds an office of profit from the Crown the candidate shall, unless he or she resigns that office before the date of the declaration of poll, be incapable of being elected'.

For State Public Sector employees wishing to stand as a candidate in the election, you may wish to contact the office of the Commissioner for Public Sector Employment for further information.

2.5 Independent/party endorsed candidates

You may stand as an independent (unendorsed) candidate OR be endorsed by a registered political party.

PART 3: Nomination procedures

Refer: EA 1985 ss51 to 57, s62, ER 2009 r6

It is important to remember that you are responsible for your nomination and must ensure that it complies with the requirements of the Constitution and Electoral Acts.

Nomination kits are available from ROs and ECSA, and for candidates endorsed by a registered political party, from party registered officers. Each House of Assembly nomination kit contains:

- a Candidate Guide
- a Scrutineer Guide
- a nomination form and application for printing descriptive information on the ballot papers
- Nominators Declaration Forms
- a voting ticket preference allocation form
- scrutineer appointment forms.

Further guides and scrutineer appointment forms may be downloaded from ECSA's website.

3.1 General – all candidates

Nominations

Nominations can only be lodged:

- on the official nomination form
- after the issue of a writ authorising the election to be held
- by 12 noon on the day fixed for the close of nominations.

Note: *Registered officers of political parties may lodge nominations for their party's endorsed candidates with the Electoral Commissioner at ECSA by 12 noon Friday 21 February 2014. A faxed nomination form will not be accepted.*

The nomination form requests the following candidate details:

- full name
- enrolled address
- consent to nomination and declaration of your eligibility to stand as a candidate
- name to appear on the ballot paper
- contact details (for ECSA use and, if desired, release to the media/public).

Each RO will, in their designated office at the close of nominations, publicly declare the name and address of every candidate nominated for the election in that district.

If only one candidate is nominated, the RO will declare that candidate elected as from polling day. An election will be held if the number of candidates nominated is greater than the number required to be elected.

The onus is on you to ensure that your nomination is received by the RO before noon on nomination day, as late nominations **cannot** be accepted. Contact the relevant officer to arrange a suitable time for nomination lodgement.

Details of Nominators

The full name, enrolled address, date of birth and signature of at least twenty (20) nominators, who are enrolled for the district you are intending to contest, must be supplied by candidates not endorsed by a registered political party.

***Note:** Candidates of a registered political party are not required to include nominators on their nomination form if their nomination is lodged by the party's registered officer.*

Nomination Deposit

Your nomination must be accompanied by a deposit of \$3,000 in cash or banker's cheque made payable to the Electoral Commission of South Australia. A personal cheque is not acceptable.

The deposit lodged with a nomination will be returned to you (or a person authorised in writing by you) if:

- you are elected
- in a House of Assembly election, you receive more than 4% of the total of all formal 1st preference votes
- you die before polling day, the deposit is returned to your personal representative
- you withdraw your nomination before nominations close
- the election fails
- the election is declared void by a Court of Disputed Returns.

Ballot paper names

As the printing of ballot papers takes place as soon as possible after the close of nominations and the ballot paper draw, it is extremely important that you print your ballot paper name clearly on the nomination form to avoid any possible error.

The name you wish to appear on the House of Assembly ballot paper may include a shortening of your name or any name by which you are generally known eg:

- William Jones to be printed on ballot paper as: JONES Bill
- Beatrice Jones to be printed on ballot paper as: JONES Betty
- William Smith to be printed on ballot paper as: SMITH Snowy.

Your surname will be printed in CAPITALS followed by your given name(s) in Title Case. If you require part of your surname to be shown in lower case, you must clearly indicate your wishes on the nomination form eg:

- McMAHON (not MCMAHON)
- MacDONNELL (not MACDONNELL)
- De LAINE (not DELAINE)
- van der MEER (not VAN DER MEER).

Rejection of a nomination

The RO may, with the agreement of the Electoral Commissioner, reject a nomination if your name, or the name which you wish to appear on the ballot paper, is considered to be:

- obscene
- frivolous, or
- has been assumed for an ulterior purpose.

Where a nomination is rejected on the above grounds, the RO must, if practicable, give you sufficient time to withdraw that proposed nomination and lodge a fresh one under a different name before the close of nominations.

Voting ticket lodgement intention

You must indicate, prior to nominations closing, whether you intend to lodge a voting ticket(s) or, if you are a member of a registered political party, delegation for the registered officer of the party to lodge the voting ticket(s) on your behalf (see also Part 5).

Withdrawal of nomination

You may withdraw your nomination by advising the appropriate RO in writing before the close of nominations. The nomination is then cancelled and the deposit refunded.

You cannot withdraw your nomination once nominations have closed.

Electoral rolls for nominated House of Assembly candidates

Upon request to ECSA, you may receive an up-to-date copy of the electoral roll in printed or electronic form (as determined by the Electoral Commissioner) for the district for which you have nominated.

Note: *If a copy of the roll is provided (under section 26 of the Act), a person who uses that copy of the roll, or information contained in that copy of the roll, for a purpose other than –*

- (a) the carrying out of functions of a member of the Parliament of the State or the Commonwealth or a council constituted under the Local Government Act 1999, or*
- (b) the distribution of matter calculated to affect the result of a State, Commonwealth or local government election or purposes related to the holding of such elections,*

*is guilty of an offence. [EA s26(5)]
(Maximum penalty: \$10,000).*

Death of a candidate and return of deposit

If a candidate dies after the nominations for an election for the House of Assembly have been declared, and before polling day, the election will be taken to have wholly failed.

If a nominated candidate dies before polling day, the deposit is returned to their personal representative or the party's registered officer.

3.2 Independent (non-party endorsed) candidate

Your nomination	You must be nominated by at least twenty (20) persons who, at roll close for the relevant election, are enrolled and qualified to vote for the district you are intending to contest.
Where to nominate	You must lodge a completed nomination form RO 44 accompanied by the details and signatures of at least 20 nominators (and your \$3,000 deposit in cash or banker's cheque) with the RO for the district you are proposing to contest. A faxed nomination form will not be accepted.
How to nominate	Intending candidates must be nominated on the official form (RO 44) accompanied by the details and signatures of at least 20 nominators who are electors (you can use the Nominators Declaration Form - RO 44A). You are advised to contact the RO to arrange a suitable time for nomination lodgement. Nominations must be lodged by no later than the close of nominations. It is recommended that nominations be lodged early to allow the checking of nominator names.

Form details: Independent (non-party endorsed) candidate

Form RO 44**House of Assembly Nomination Form
Independent Candidate**

To be completed with various details, including your enrolled address, contact details and ballot paper name.

The form allows descriptive information to be printed on the ballot paper adjacent your name. This information must commence with the word 'Independent', followed by no more than three additional words. The additional words must not contain the word 'Party'.

The description may be rejected if it is considered by the Electoral Commissioner to be obscene or frivolous, or the words constitute or so nearly resemble a distinctive aspect or part of the name of a parliamentary party or a registered political party.

In the absence of any descriptive information, the word 'Independent' will be printed on the ballot paper adjacent your name.

Form RO 44A**Nominators Declaration Form - HA**

The Nomination form must be accompanied by the details and signatures of 20 nominators who are electors enrolled for the House of Assembly district for which the candidate is nominating. The Nominators Declaration Form - RO 44A outlines the details required and can be used for this purpose.

Form RO 45**House of Assembly Voting Tickets
Advice of Independent Candidate Preferences**

To be completed and lodged with the RO or Electoral Commissioner within 72 hours after the close of nominations provided you have indicated on your nomination form an intention to lodge voting ticket(s). The form cannot be completed until the order of candidate names on ballot papers has been determined by lot drawn by the RO after the close of nominations.

3.3 Registered Political Party endorsed candidate

Your nomination

You must complete nomination form RO 40B and return it to your party's registered officer at least four days before the close of nominations.

The registered officer of a registered political party may then lodge directly with ECSA:

- all the party's nomination forms no later than 12 noon Friday 21 February 2014.
- a deposit of \$3,000 in cash or banker's cheque (made payable to the Electoral Commission of South Australia) for each candidate nominated.

Alternatively, an endorsed party candidate may nominate as a single candidate by 12 noon on the day fixed for the close of nominations, on nomination form RO 43. If form RO 43 is used, the nomination form must be accompanied by the details and signatures of twenty (20) nominators who are electors enrolled for the district. The nomination form must be lodged with the appropriate RO together with a deposit of \$3,000 in cash or bankers cheque.

Where to nominate

It is expected that all registered officers of registered parties will lodge nominations centrally at ECSA.

Candidate's delegation

Candidates endorsed by a registered political party, delegate (on the nomination form) to the registered officer of that party, authority to lodge an application to print the party name on the ballot paper and to lodge voting ticket(s).

Form details: Party candidate

Form RO 40A

House of Assembly

Endorsed List of Party Candidates and Ballot Paper Name

To be completed on behalf of party endorsed candidates by the registered officer of the party and lodged with the Electoral Commissioner no later than 12 noon Friday 21 February.

Form RO 40B

House of Assembly

Nomination Form – Party Candidate

To be completed by a party candidate and returned to the party's registered officer at least four days prior to the close of nominations.

It must be lodged with the Electoral Commissioner by the party's registered officer no later than 48 hours before nominations close.

Form RO 42

House of Assembly Voting Tickets

Advice of Party Candidate Preferences

To be completed on behalf of party endorsed candidates by the registered officer of the party and lodged with the Electoral Commissioner within 72 hours after the close of nominations.

Form RO 43

House of Assembly Nomination Form

Endorsed Candidate Nominating as Single Candidate

To be completed only if your nomination is not lodged by the registered officer of the party 48 hours before nominations close. You may lodge your nomination as a single candidate with the RO by completing nomination form RO 43.

The form must be accompanied by the details and signatures of at least twenty (20) nominators who are electors enrolled for the district that you are contesting. Nominators Declaration Form - HA (RO 44A) may be used. The nomination form must be lodged with the appropriate RO together with a deposit of \$3,000 in cash or bankers cheque.

PART 4: Ballot papers

Refer: EA 1985 ss60 to 62, 64, ER r7-8

4.1 Ballot paper format

House of Assembly ballot papers are printed in a format prescribed by regulation.

They may contain political affiliations or other descriptive information relating to candidates, providing:

- an application is lodged before the close of nominations on the appropriate form
- it is considered acceptable by the Electoral Commissioner.

4.2 Candidate name order

The order in which the names of candidates are printed on the ballot papers is determined by lot as prescribed by regulation. This is publicly carried out by the RO for each district at their designated office, as soon as practicable after the close of nominations.

4.3 Affiliations on ballot papers

For an independent candidate not endorsed by a registered political party, you may apply to the Electoral Commissioner (Form RO 44) to have the word 'Independent', followed by not more than three additional words printed adjacent to your name on the ballot paper.

The additional words may not:

- contain the word 'Party'
- be obscene or frivolous
- constitute or so nearly resemble a distinctive aspect or part of the name of a parliamentary party or a registered political party, unless the applicant provides the Electoral Commissioner with a declaration that has been signed by a person authorised by the relevant parliamentary party or registered political party and states that the party consents to the use of the particular word or set of words.

For example, the underlined words constitute distinctive aspects or parts of the names of political parties:

- Australian Labor Party
- The Liberal Party of Australia
- The National Party of Australia

A description that does not meet the Electoral Commissioner's approval may be rejected.

Note: *If descriptive information is not provided, the word 'Independent' will be printed adjacent to the candidate's name.*

For a candidate endorsed by a registered political party, you are able to have the registered party name or registered abbreviation printed on the ballot paper adjacent to your name.

You must ensure that you, or your authorised registered political party officer, has lodged the appropriate form before the relevant close of nominations.

4.4 Photographs

If any candidates have the same or similar names, the Electoral Commissioner may require photographs to be printed on the ballot paper. These would need to be supplied to the Electoral Commissioner as soon as possible and certainly within three days after the close of nominations [EA s64].

The photograph must:

- have been taken within the previous twelve months
- be in black and white
- be a full-faced vertical portrait of the candidate's head and shoulders
- be at least 15 centimetres in length and 10 centimetres in width
- have written on the reverse side the full name of the candidate and a statement signed by the candidate to the effect that the photograph was taken within the prescribed period.

If you fail to submit a conforming photograph within the timeframe allowed by the Electoral Commissioner, your nomination becomes void.

PART 5: Voting tickets

Refer: EA 1985 ss63, 93

5.1 Voting ticket lodgement

A voting ticket is a written statement, lodged by you or a person authorised in writing by you (ie a registered officer of a registered political party), which expresses a preference for all candidates contesting the election.

Each voting ticket must:

- commence with the number 1 for you or the candidate for whom the voting ticket is lodged
- indicate, by consecutive numbers, an order of preference for all candidates contesting that election.

It is for you to decide whether or not to lodge voting ticket(s) or, in the case of a candidate endorsed by a registered political party, the party's registered officer.

You may submit either one or two separate voting tickets, but only if you indicate your intention to do so on the nomination form lodged prior to the close of nominations.

For House of Assembly elections, pro-forma voting tickets are provided with nomination forms. As soon as practicable after nominations close, the RO will conduct a draw to determine the order in which candidates' names are to appear on the ballot paper. You, or your registered officer, will then be in a position to complete pro-forma voting tickets by inserting candidates' names and expressing preferences against each.

5.2 Importance of voting tickets

It is in a candidate's interest to lodge a voting ticket(s). If an elector fails to record preferences, as required, for all candidates on the ballot paper, but the preferences that are marked are common to a candidate's voting ticket, then that elector's ballot paper is treated as formal and is deemed to have followed all preferences recorded on that candidate's voting ticket.

Without voting tickets, such ballot papers would be treated as informal.

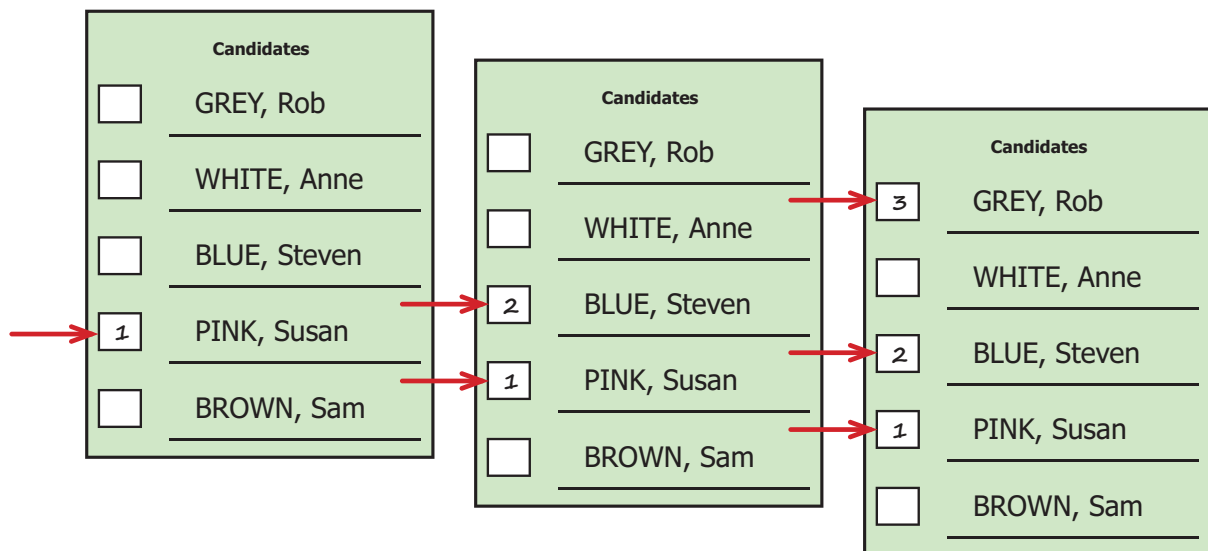
Note: *A person must not publicly advocate that a voter should mark a ballot paper otherwise than in the manner set out in EA s76(2). That is, a consecutive number must be recorded against the names of all candidates on the ballot paper to indicate a preference for them.*

The manner of interpreting ballot papers for the House of Assembly marked by electors in accordance with a voting ticket(s) is contained in the EA s93.

The following example shows ballot papers that would be rendered formal if a voting ticket was lodged.

Registered Voting Ticket	
Candidates	
<input checked="" type="checkbox"/>	GREY, Rob
<input type="checkbox"/>	WHITE, Anne
<input checked="" type="checkbox"/>	BLUE, Steven
<input checked="" type="checkbox"/>	PINK, Susan
<input type="checkbox"/>	BROWN, Sam

Informal Ballot Papers corresponding to a registered voting ticket are rendered formal



How to Submit Voting Tickets – Independent & Party Candidates
Voting Tickets – Advice of Preferences

Form RO 45 Independent Candidate

Form to be completed and lodged with your RO or Electoral Commissioner within 72 hours after the close of nominations provided you have indicated on your nomination form an intention to lodge voting ticket(s).

Form RO 42 Party Candidate

Booklet to be completed on behalf of a party’s candidates by the party registered officer and lodged with the Electoral Commissioner within 72 hours after the close of nominations.

Sample of section to be completed on Forms RO 42 or RO 45:

Voting Ticket Number 1		Voting Ticket Number 2	
Indicate order of preferences	Indicate names of Candidates as they will appear on the ballot paper	Indicate order of preferences	Indicate names of Candidates as they will appear on the ballot paper
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	

PART 6: How-to-vote cards

Refer: EA 1985 ss4(1), 66, 82(5), 112A, ER r9, r15

South Australian electoral law provides for the display of candidates' how-to-vote cards in polling booths on polling day. The nature of the information contained on these cards is restricted by regulation. These how-to-vote cards are those required under s66 for display in polling booths.

It is also common practice for candidates to produce separate information sheets or cards for distribution to electors outside polling booths. Any how-to-vote cards distributed outside a polling booth must have substantially the same appearance as a how-to-vote card that has been submitted for inclusion in the polling booth or has been lodged with the Electoral Commissioner no later than eight days before polling day. This form of how-to-vote material is classified as electoral advertising (see Part 7 of this Guide – *Special provision relating to how-to-vote cards*).

Note: *A person must not publicly advocate that a voter should mark a ballot paper otherwise than in the manner set out in EA s76(2) and a person must not distribute how-to-vote cards in relation to an election unless each card is marked so as to indicate a valid vote in the manner prescribed in EA s76(2).*

EA s76(2) states, a voter must mark his or her vote on the ballot paper by placing the number 1 in the square opposite the name of the candidate for whom he or she votes as his or her first preference, and consecutive numbers in the squares opposite the names of remaining candidates so as to indicate the order of preference for all candidates.

The form of the how-to-vote cards required by s66 is described in paragraph 6.3 below.

6.1 Supplying how-to-vote cards

The Electoral Commissioner is required to display posters, formed from the how-to-vote cards submitted by candidates contesting a district, in each ordinary voting screen of the polling booths established for the district. The Electoral Act specifies that candidates should supply these cards to the Electoral Commissioner no later than 4 days after nominations close.

ECSA also prepares booklets of how-to-vote cards for the convenience of electors wishing to vote prior to polling day at:

- pre-poll vote centres (may commence when ballot papers are available)
- declared institutions (can commence 4 days after the close of nominations).

In order to have the booklets available for pre-poll voting, candidates are required to submit their how-to-vote cards as quickly as possible.

If printed, two (2) copies of approved how-to-vote cards are required for each candidate. These will be used:

- to produce copies for the pre-poll voting booklet
- to prepare posters for display in voting screens at polling booths.

How-to-vote cards may also be submitted electronically. If you choose to submit your how-to-vote card electronically, it must comply with the regulations and be submitted in pdf format.

The decision as to whether or not to lodge a how-to-vote card rests with you, the candidate, or, in the case of a registered party, the party's registered officer.

6.2 Approval required

The Electoral Commissioner must agree that how-to-vote cards, submitted for inclusion on posters or made available to assist pre-poll voters, are in the prescribed form. A penalty of \$750 applies where an unapproved how-to-vote card is displayed in a polling booth [s122(1)].

In recognition of the difficulties that may be involved in arranging printing within 4 days after the close of nominations, the Electoral Commissioner is prepared to grant 'approval in principle' to any draft proofs of how-to-vote cards submitted prior to the close of nominations.

6.3 Form of the how-to-vote card

ER r9 prescribes the form of a how-to-vote card that may be displayed in voting screens.

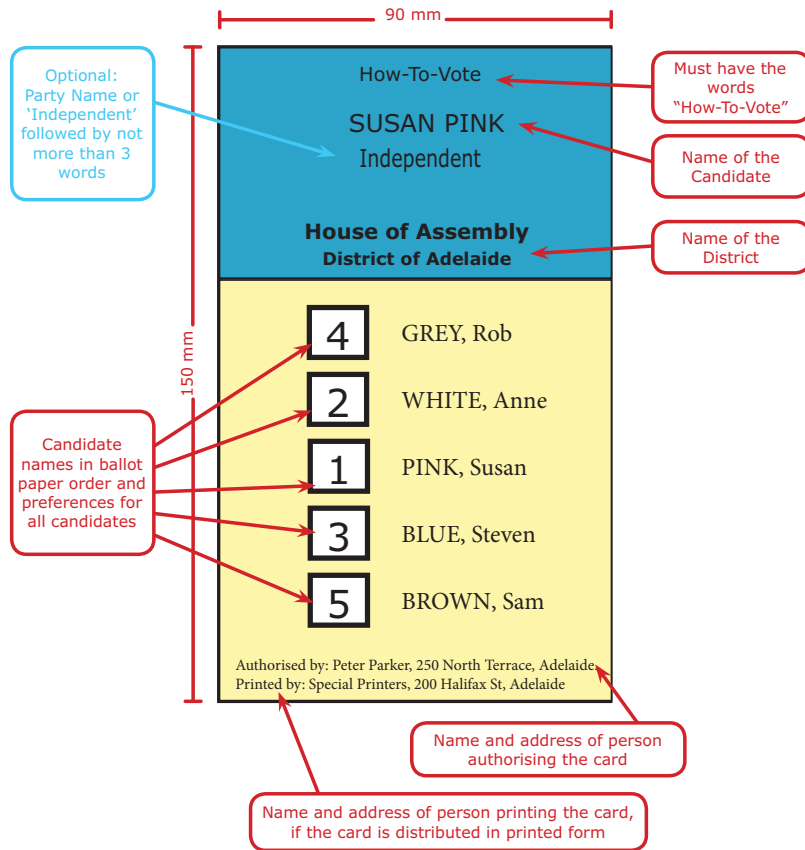
- (1) For the purposes of section 66(2) of the Act, a how-to-vote card submitted for inclusion in posters under section 66(1)(a) of the Act—
 - (a) must:
 - (ii) if a candidate is contesting a seat in the House of Assembly, be no larger than 150 millimetres in length and 90 millimetres in width; and
 - (iii) contain the following information:
 - (a) the words 'how-to-vote'; and
 - (b) the name of the candidate, group of candidates or all candidates; and
 - (c) the name and address of the person authorising the card (not being a post office box); and
 - (d) if the card is being distributed in printed form, the name and address of the person printing the card; and
 - (e) if a candidate is contesting a seat in the House of Assembly – the name of the district being contested; and
 - (f) In the case of a House of Assembly election:
 - immediately before the surname of all candidates contesting a House of Assembly election, figures surrounded by a square indicating the order of preference the candidate recommends for each candidate; or
 - if the candidate to whom the how-to-vote card relates has lodged a voting ticket under s63 immediately before the surname of that candidate, a figure "1" surrounded by square, together with a statement to the effect that an elector must express a preference for all other candidates as the elector sees fit
 - (b) may contain the following information:
 - (i) the name of the registered political party (or composite name if there is more than one such party), provided the candidate is endorsed by the party and the party has consented to the use of the relevant name; and
 - (ii) in relation to a candidate or group of candidates, the description 'Independent' or such description followed by not more than 3 words; and
 - (c) may be submitted in electronic form.
- (2) If in the opinion of the Electoral Commissioner it is necessary to do so, the Electoral Commissioner may, when preparing a poster for display in a polling booth, proportionately reduce the size of each how-to-vote card submitted for inclusion in the poster.
- (3) Except for the details referred to in (1) above, no other matter may be contained on or otherwise appear on the card.

6.4 Order of display

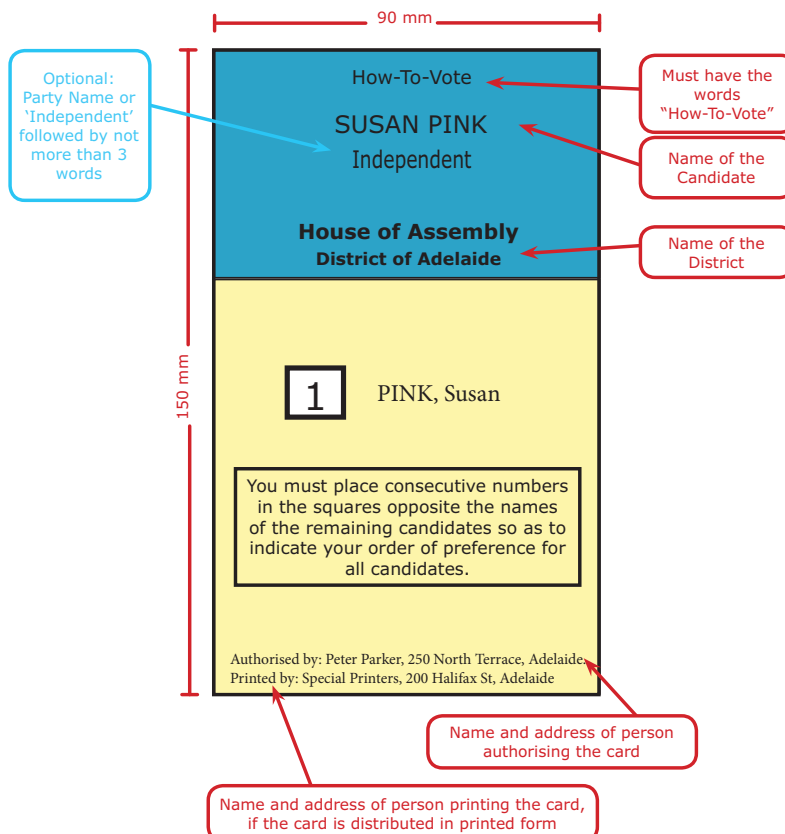
The order of display of how-to-vote cards on posters within voting screens and in booklets used for pre-poll voting will be the same order in which the names of candidates will appear on the ballot paper.

6.5 How-to-vote card examples

Example 1



Example 2



PART 7: Electoral advertising

Refer: EA 1985 ss4(1), 112 to 116A, ER r14-17

7.1 Provisions relating to electoral advertising

Outlined in the following table are a number of restrictions on advertising of which candidates should be aware.

In this section:

- an electoral advertisement means 'an advertisement containing electoral matter'
- electoral matter means 'matter calculated to affect the result of an election'.

Publication of electoral advertisements EA s112(1), (2), (3)

A person must not publish or distribute, or cause or permit to be published or distributed, an electoral advertisement in printed form or through electronic publication on the internet unless:

- the name (being the name by which the person is usually known) and address (not a post office box) of the author, or the person authorising its publication, appears at the end, and
- if the advertisement is authorised for a registered political party or a candidate endorsed by a registered political party— the party's name or, if the Register of Political Parties includes an abbreviation of the party's name, that abbreviation appears at the end; and
- in the case of an electoral advertisement that is printed but not in a newspaper, the name and place of business of the printer, appears at the end; and
- if the advertisement is authorised for a relevant third party— the relevant third party's name appears at the end:
 - *relevant third party* means an organisation or other person, other than a registered political party, candidate or natural person, who—
 - as at the day of publication of the advertisement intends to spend more than \$2,000 on electoral advertisements—
 - if the advertisement is published in an election period— during that election period; or
 - in any other case— during the election period for the next general election due to occur; or
 - spent more than \$2,000 on electoral advertisements during the election period for the general election immediately preceding the day of publication of the advertisement

No authorisation is required on car stickers, T-shirts, lapel buttons or badges, pens, pencils or balloons.

Special provision relating to how-to-vote cards

EA s112A

During the election period for an election, a person must not distribute, or cause or permit to be distributed, a how-to-vote card unless—

- the name (being the name by which the person is usually known) and address (not being a post office box) of the person who authorised the card appears at the bottom of the card; and
- if the card is authorised—
 - for a registered political party or a candidate endorsed by a registered political party— the party's name or, if the Register of Political Parties includes an abbreviation of the party's name, that abbreviation; or
 - for a candidate who is not endorsed by a registered political party— the candidate's name and the word "candidate", is stated on the card in accordance with any requirements prescribed by the regulations; and
- the card—
 - has substantially the same appearance as a how-to-vote card that—
 - has been submitted for inclusion in posters under section 66; or
 - has been lodged with the Electoral Commissioner no later than 12 noon on the day falling 8 days before polling day; or
 - is a compilation of more than 1 how-to-vote card of a kind referred to above (provided that those how-to-vote cards relate to different electoral districts).

This section does not apply in relation to how-to-vote cards submitted to the Electoral Commissioner for inclusion in posters under *EA s66*.

Note: *A candidate must not distribute, or cause or permit to be distributed, a how-to-vote card that is not substantially the same appearance as the initial how-to-vote card submitted to the Electoral Commissioner.*

Misleading advertising

EA s113(2)

You may not publish an electoral advertisement by any means (including on radio or television) if, in purporting to be a statement of fact, it is inaccurate and misleading to a material extent.

You, or any other person authorising, causing or permitting the publication of such an electoral advertisement, is guilty of an offence.

The Electoral Commissioner, if satisfied that an electoral advertisement containing a statement purporting to be a statement of fact is inaccurate and misleading to a material extent, may request the advertiser to do either or both of the following:

- withdraw the advertisement from further publication;
 - publish a retraction in specified terms and a specified manner and form.
-

Headings to electoral advertisements
EA s114(1), (2)

If electoral matter is published in written form (whether for sale or without charge) in a newspaper, magazine or other periodical, or in an electronic publication on the internet, the publisher of the matter must ensure the word 'Advertisement' is included as a headline to each article or paragraph containing the electoral matter.

If the matter is published in a newspaper, magazine or other periodical, the headline must be in letters not smaller than 10 point or long primer.

If the matter is published in an electronic publication, the headline must be in letters of a size that will be readily legible.

Size of electoral advertisements
EA s115
ER r16

No electoral advertisement more than 1 square metre in area can be exhibited on:

- a vehicle or vessel; or
- a building, hoarding or other structure eg fences.

If two or more electoral advertisements are placed within one metre of each other, and exhibited on behalf of the same candidate or political party, they will be taken to be a single advertisement.

However, if such advertisements are displayed on different surfaces which interface at an angle of 270° or more, then they are not considered to be a single advertisement (see diagram next page).

Note: *An electoral advertisement more than 1 square metre in area may be projected on a screen at a theatre (including a drive-in theatre).*

There is no restriction on the size of advertisements which contain the name of a candidate and/or a political party if they are displayed at or near an office or room and indicate that it is the office or committee room of that candidate or political party; however they must not be posted within 100 metres of the entrance to a polling booth.

Political gatherings
ER r16

An electoral advertisement of any size may be exhibited at a political gathering eg a press conference, meeting, campaign launch or rally, fête, dinner, garden party, ball, barbecue provided that:

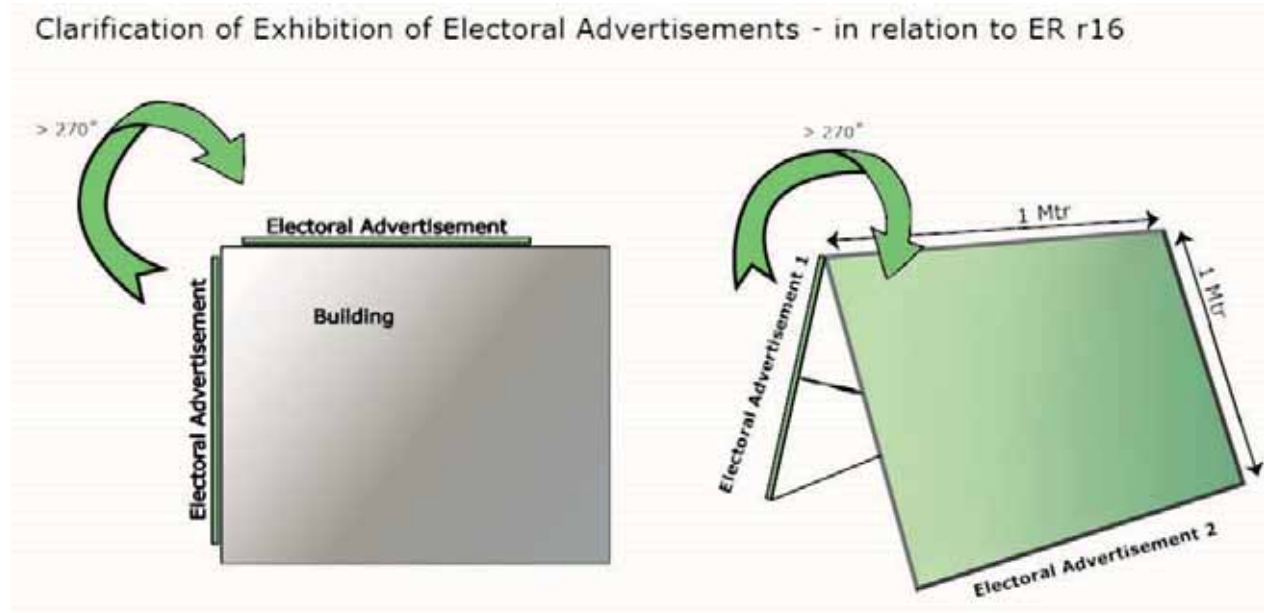
- the gathering is organised by, on behalf of or for, a registered political party or a candidate at a Legislative Council or House of Assembly election; and
- the advertisement is exhibited:
 - immediately before, during or after such a gathering; and
 - for a period or periods not exceeding 24 hours.

Moveable signs and removal of
LGA 1999
ss226, 227

Check your local council for any by-laws or guidelines relating to the design, display and removal of election signage.

Council consent must be obtained before any signs can be attached or erected on property under the care and control of a Council.

The following diagram refers to the exhibition of electoral advertisements as clarified by *ER r16*.



7.2 Election period advertising

Person responsible for published political comment to be identified

During an election period, any person publishing material (either in written form or on radio or television) containing comments about any candidate, political party or election issue, **is required to identify, by name and address, the person taking responsibility for the publication** [EA s116(1)]. The address must not be a post office box.

This provision does not apply to:

- leading articles published in a journal (*journal* means a newspaper, magazine or other periodical)
- the publication of a report of a meeting that does not contain any comment (other than comment made by a speaker at the meeting) on any candidate, or political party, or the issue being submitted to electors
- the publication in a journal of an article, letter, report or other matter if the journal contains a statement to the effect that a person whose name and address (not being a post office box) appears in the statement takes responsibility for the publication of all electoral matter published in the journal
- the publication of a letter (other than in a journal) provided it contains the name and address (not being a post office box) of the author of the letter
- news services and current affairs programs on radio and television, and
- any other prescribed material or class of material.

7.3 Ban on political advertising broadcasts

In accordance with Schedule 2 of the *Broadcasting Services Act 1992*, a political advertising broadcast ban prohibits registered political parties and independent candidates from engaging in advertising broadcasts from midnight on the Wednesday before polling day and ends at 6pm on polling day.

PART 8: Scrutineers

Refer: EA 1985 ss67, 80, 90, 118, 121. *The Scrutineer Guide (RO18 published by ECSA)*

8.1 Role of scrutineers

A scrutineer:

- is appointed to act as an independent observer of the electoral processes for the polling, scrutiny and counting of votes in an election for which you are a candidate
- verifies that the procedures undertaken by electoral officials are fair, proper and according to law
- has legal rights and obligations under the Electoral Act.

You may appoint scrutineers to represent you at:

- the ECSA Central Processing Centre (CPC) to witness:
 - the receipt of postal vote applications and issue of ballot material
 - the receipt of pre-poll voting and polling day declaration votes and despatch to ROs
- declared institutions ie hospitals, nursing homes etc which have been gazetted to receive visits by electoral officials
- mobile polling in remote locations
- pre-poll voting centres
- polling booths
- an ROs office to witness:
 - the processing and scrutiny of declaration vote envelopes
 - the recheck and recount of polling booth ballot papers
 - the scrutiny and count of declaration vote ballot papers
 - the distribution of preferences on ballot papers and any recount of ballot papers.

Your scrutineer **must**:

- address all queries to the officer in charge of proceedings
- leave the polling and/or scrutiny location if requested to do so on safety or unacceptable conduct grounds.


On polling day your scrutineer **must not**:

- interfere with, or attempt to influence any elector
- act as an assistant to help an elector to vote
- attempt to discover how an elector has voted and divulge that knowledge
- wear a badge or emblem of a candidate or political party (including printed clothing) within the polling area during polling (8 am to 6 pm)

- wilfully exhibit or leave in the polling area any card or paper with any direction or instruction as to how an elector should vote or as to the method of voting.

8.2 Appointment of scrutineers

You may appoint no more than two scrutineers to represent you at any one place at the same time. In exceptional circumstances, a RO may allow you to appoint more than two scrutineers.

	Appointment of Scrutineer	RO 59
To the Electoral Official in Charge of Proceedings		
Candidate to Complete		
<input type="text"/>	<input type="text"/>	
Surname	Given Name(s)	
As a candidate contesting an election in the:		
<input type="checkbox"/>	House of Assembly District of: <input type="text"/>	
<input type="checkbox"/>	Legislative Council	
I hereby appoint the person named below to represent me during the following scrutiny process:		
(Tick ✓ the appropriate box where scrutineer is appointed)		
<input type="checkbox"/>	Polling Day Activities - Scrutiny and Count	
	<input type="text"/>	
	Name of Polling Place	
<input type="checkbox"/>	ECSA Processing Centre	
<input type="checkbox"/>	Declared Institution Voting	
<input type="checkbox"/>	Post Polling Day Scrutinies and Counts (HA and LC)	
<input type="text"/>	<input type="text"/>	<input type="text"/>
Signature		Date
Scrutineer Details		
<input type="text"/>	<input type="text"/>	
Surname	Given Name(s)	
<input type="text"/>		
Residential Address		
<input type="text"/>	<input type="text"/>	<input type="text"/>
Signature		Date
Notes:		
1. If a person is appointed for more than one process, a separate form should be completed for each process.		
2. Original to be handed to the electoral official in charge of proceedings.		
3. Duplicate to be retained by scrutineer.		

Any scrutineer you appoint must provide an Appointment of Scrutineer Form RO 59 (see adjacent), to the electoral officer-in-charge ie an electoral visitor team leader at a declared institution, booth manager at a polling booth, or an RO at the recheck and count of ballot papers.

The form must be signed by you and the scrutineer. The original of the form is used as the scrutineers authorisation for the officer-in-charge; the duplicate should be retained by the scrutineer. Pre-printed duplicate forms on NCR paper are available from ECSA and all ROs.

If additional appointment forms are required, these can be downloaded from www.ecsa.sa.gov.au

Scrutineer identification

As polling officials have no means of checking a scrutineers bona fide, they should also carry with them some means of identification such as a driver's licence.

Appointment of a substitute scrutineer

A scrutineer who intends to be temporarily absent from proceedings may appoint another person to act in his/her place provided the electoral officer-in-charge is given notice in writing to that effect.

8.3 Scrutineer Guide

Detailed information concerning the rights, duties, powers and functions of scrutineers is contained in the Scrutineer Guide. A copy of the guide is included in your nomination kit and is also available at **www.ecsa.sa.gov.au**

The guide explains the different methods of voting for HA and LC, matters relating to the formality of ballot papers and the scrutiny.

It also deals with:

- the protocol for scrutineering
- the role and responsibilities of scrutineers
- appointment of scrutineers
- scrutineering prior to polling day
- scrutineering on polling day including notional distribution of preferences for the House of Assembly
- voting tickets
- transfer of preferences
- examples of formal and informal votes.

PART 9: Voting facilities

Refer: EA 1985 ss18, 65, 73, 74, 77 and 83

ECSA provides a range of services and facilities that allow electors to vote prior to and on polling day. These services and facilities include:

- pre-poll voting centres
- declared institutions
- mobile polling booths (in remote areas only)
- postal voting
- polling booths.

9.1 Pre-poll voting centres

Pre-poll voting centres are established in metropolitan and country areas to accommodate electors who are unable to attend a polling booth on polling day.

The centres may commence issuing declaration votes as soon as practicable after the close of nominations, when ballot papers are available, and must cease on the Friday before polling day.

Pre-poll voting centres only issue votes to electors who attend in person, they are not authorised to issue votes by post.

The location of pre-poll voting centres are shown on the ECSA website and published in 'The Advertiser' after the issue of the writ.

Pre-poll declaration voting papers are usually issued in person at:

- the head offices of other State and Territory electoral administrations
- selected RO offices and other facilities set up within South Australia by ECSA
- the office of the South Australian Agent-General in London and a number of other selected overseas locations.

9.2 Declared institutions

The whole or part of an institution, such as a hospital or nursing home, may be 'declared' in order to issue votes to electors in those institutions who are unable to attend a polling booth. The name and address of each institution, more than 200, is published in the Government Gazette prior to the election.

The method of voting at declared institutions is by declaration and all completed ballot papers are placed into a declaration envelope bearing the elector's enrolment details and signature.

Staff members of the institution are eligible to vote with the electoral visitor team provided they are caring for a resident on polling day or working on polling day and therefore precluded from attending a polling booth.

The RO will provide candidates with further details, including dates and times that electoral visitors will be attending those institutions usually:

- in the week immediately preceding polling day
- between 9am and 5pm during weekdays and during polling hours on polling day.

Note: *It is an offence for any person, including a candidate, to encourage two or more inmates of a declared institution to apply for the issue of postal voting papers [EA s83(6)].*

9.3 Mobile polling booths (remote areas)

Mobile polling booths are established in a number of country electorates to service electors residing in remote areas of the State. The booths generally operate between 1 and 3 hours at each location and are set up in areas where it is impractical to establish static polling booths and mail deliveries to the area are delayed or non-existent.

Mobile polling can commence up to 12 days before polling day and the opening and closing times for polling are set by the Electoral Commissioner.

Mobile polling locations and times are published in 'The Advertiser' and local print media and are displayed prominently in the areas to be visited by mobile polling teams. Further details are available from ECSA.

The Electoral Commissioner may alter the times or places for mobile polling providing a notice of the alteration is published in a newspaper circulating generally throughout the State (or a local paper), no later than the day before the date fixed for polling. If there is no such newspaper, the Electoral Commissioner must take such steps as are reasonably practicable to inform electors in the area.

Candidates, if possible, will be informed of any changes to the scheduled date and time for polling.

9.4 Postal voting

The ECSA Central Processing Centre (CPC) handles all postal ballot materials and mails out voting material to any elector who:

- is entitled to vote at the election and is recorded on the register of declaration voters
- applies for the issue of voting papers by post and whose application is received by the CPC by 5pm on the Thursday immediately preceding polling day (an example application form is shown at the end of this section).

The register of declaration voters is maintained by ECSA and contains details of electors whose address on the roll is suppressed, or who are unable to attend a polling booth because of their:

- physical disabilities
- religious beliefs
- caring for a person who is seriously ill, infirm or disabled or
- place of residence is not within 20 kilometres of a polling place.

The register of declaration voters is available for public inspection.

Electors who apply for voting papers to be issued by post are required to specify why they will be unable to attend a polling booth on polling day. Acceptable reasons are outlined in the Electoral Act and are listed on the RO 60 application form. An application must be signed personally by the elector.

Postal vote application forms can be obtained from:

- all South Australian post offices and agencies
- the ECSA website

In order not to deplete Post Office stocks, candidates wishing to obtain bulk supplies are requested to approach ECSA.

A person, other than a person authorised by the Electoral Commissioner, must not distribute, or cause or permit to be distributed, a form for the application by an elector for the issue of declaration voting papers (an **application form**) unless—

- the application form is in the prescribed form; and
- it is stated on the form that it must be returned directly to the Electoral Commissioner; and
- no additional information or matter appears on the form or on the reverse side of the form.

Note: *A candidate cannot act as an authorised witness for a person completing a postal declaration vote.*

9.5 Polling booths

Polling on election day is conducted:

- at appointed polling places
- at such other places within a remote subdivision (region of the State) or declared institution as may be determined by the Electoral Commissioner.



Polling at polling booths is conducted between 8am and 6pm on polling day, although any elector inside a booth at 6pm is entitled to vote.

The locations of polling booths are published on the ECSA website and in 'The Advertiser' during the week immediately preceding, and on, polling day. This information can also be provided by ECSA and each RO for their own district.

Some booths, known as 'shared booths', are located near the boundaries of adjoining districts and service the needs of electors of more than one district.

Note: Candidates must not take part in the conduct of an election and must not personally solicit the vote of any elector on polling day [EA s117]. A candidate must not act as an assistant at a polling booth by assisting an elector to vote [EA s80(4)].

Sample postal vote application form

Application for a Postal Vote		RO 60	
Office Use Only			
1. Complete Your Details - Please Print			
Surname			
Given Names			
Residential Address for which you claim to be enrolled <small>Post Office box, RMD & RSD numbers are not acceptable</small>			
Date of Birth	Day	Month	Year
Contact Number			
2. Address To Send Ballot Papers			
Please send ballot papers for this election/referendum to me at this address			
3. Declaration			
I declare that I:			
<ul style="list-style-type: none"> • have not already voted in this election/referendum; and • am eligible for a postal vote for one of the following reasons: (✓ tick one box) 			
<input type="checkbox"/> Distance	<input type="checkbox"/> Travelling	<input type="checkbox"/> Illness	
<input type="checkbox"/> Caring for Others	<input type="checkbox"/> Advanced Pregnancy	<input type="checkbox"/> Religion	
<input type="checkbox"/> Working	See back of this application for detailed description of reasons		
 Signature or Mark of Elector		Date	
		/ /	
Elector details must be forwarded to political parties and candidates on request			
Signature of Authorised Witness <small>only if elector is unable to sign (see reverse)</small>		Date	
		/ /	
 Electoral Commission SA			2014

PART 10: Election night counts

Refer: EA 1985 Part 10 - The Scrutiny

Ordinary vote ballot papers lodged by electors voting at polling booths within their own district on polling day are counted by electoral officials at the polling booth following the close of voting at 6pm. These preliminary results are sent to each RO and ECSA.

House of Assembly ballot papers are scrutinised before Legislative Council papers.

The order of proceedings at scrutiny is:

- House of Assembly (HA) count of ballot papers
- count of HA ballot papers that may be formal because of candidates' voting tickets
- notional distribution of HA preferences (two candidate preferred count)
- Legislative Council (LC) count of ballot papers
- Referendum count of ballot papers (if applicable).

Note: *Depending upon staff availability two or more of the above counts may be carried out at the same time.*

10.1 Count of HA ballot papers – 1st preferences

Preferential voting, first introduced in South Australia in 1929, requires an elector on the HA ballot paper to:

- write the number 1 (a 1st preference) in the voting square next to the elector's most preferred candidate
- continue to number the rest of the voting squares with consecutive numbers (2, 3, 4 etc) in the elector's order of preference.

The count of ordinary votes begins as soon as practicable after the poll closes at 6pm on polling day. When the ballot box seals are broken, the ballot papers are removed from the ballot box and checked for formality. Any informal or undetermined ballot papers are set aside.

The formal ballot papers are then sorted into separate piles according to the first preference vote for each candidate. The ballot papers for each candidate are counted and then rechecked to ensure the totals are correct.

The total 1st preference vote figures for each candidate are recorded.

10.2 Undetermined HA ballot papers that may be formal

Candidates and political parties understandably want to know, on polling night, approximately how many informal/undetermined ballot papers are likely to become formal because of voting tickets.

Polling booth staff are instructed to:

- assume that all candidates have lodged voting tickets (though they are not provided with any details)
- extract from the informal/undetermined ballot papers those containing only the figure **1**, or a ✓ or an ✕ against the name of a candidate
- add the ballot papers containing the figure **1**, or a ✓ or an ✕ (tentatively considered to be a formal vote for a candidate) to the total number of formal 1st preference votes previously counted for each candidate. These cumulative totals are telephoned to the appropriate RO who will transmit them to ECSA.

Note: *The ROs will subsequently review all informal/undetermined ballot papers to determine those which are compliant with voting ticket details.*

10.3 Two candidate preferred (2CP) count

This is the process of transferring preferences from candidates who may subsequently be excluded under the normal preferential system of counting to two candidates identified by ECSA as likely to be the last two remaining in the count. The exercise provides a useful indication on polling night of the likely result of the election. It does not involve the transfer of any preferences on ballot papers that may be rendered formal as a consequence of voting tickets.

The official distribution of preferences will take place later once all declaration votes have been counted by the RO.

The two candidate preferred count takes place when the count of all 1st preferences has been completed.

Your scrutineers on polling night should be conversant with the following methodology to avoid confusion and/or possible disagreement.

1. the bundles of ballot papers for the two identified candidates are put to one side
2. the number of 1st preference votes obtained by those candidates are entered on the appropriate tally sheet in the polling booth manager's return

3. the bundles of ballot papers for all other candidates (the order does not matter) are examined, candidate by candidate, and each ballot paper is allocated to whichever of the two identified candidates has the SMALLEST preference number marked opposite their name eg:
 - the two identified candidates are 'A' and 'B'; a ballot paper in 'C's' bundle contains a 2nd preference for 'A' and a 4th preference for 'B'; that ballot paper is attributed to candidate 'A'.
 - after all ballot papers of candidate 'C' are examined and sorted in favour of candidates 'A' and 'B', the totals are entered on the tally sheet
4. candidate 'C's' ballot papers are then returned to their original bundle as they will be rechecked prior to the official distribution of preferences at a later date
5. the procedures outlined in 3 and 4 are repeated for the remaining candidates
6. the number of attributed preferences allocated to each identified candidate on the tally sheet are then totalled and the RO is advised.

10.4 The LC preliminary scrutiny

A preliminary scrutiny and count of all LC ballot papers from electors voting within their district takes place on polling night. Ballot papers are sorted by 1st preference votes for groups with voting squares above the line on the LC paper and preferential votes below-the-line.

Informal ballot papers are set aside.

At the end of polling night, all ballot materials are packaged and returned to the RO for further processing.

PART 11: Post-election day counting

Refer: EA 1985 ss91, 93, 94, 96

At all times during the various scrutinies of ballot papers, you can be represented by your scrutineer(s). The relevant RO will advise you of the time and place for scrutiny proceedings.

11.1 HA recheck and two party preferred (2PP) count

On the Sunday immediately following polling day, House of Assembly ballot papers from electors voting within their district the previous day (ordinary votes) are rechecked in the district office.

ROs will conduct:

- a complete recheck and recount of all HA ballot papers on a booth by booth basis and confirm any amended figures
- a notional two party preferred (Labor/Liberal) count for each of their polling booths. This information is required by the Electoral Districts Boundaries Commission in order to reassess the boundaries of electoral districts after each general election.

11.2 Declaration vote counts

The preliminary sorting and processing of all envelopes containing ballot papers from electors who either voted before or on polling day by declaration is undertaken at the ROs office. Postal declaration envelopes are returned directly to ROs via their post office box and all other envelopes are sorted and batched at the CPC and forwarded to ROs by courier.

During the week after polling day ROs process declaration votes and complete one or more declaration vote counts. Before a declaration vote envelope is accepted for further scrutiny, all polling booth rolls are scanned within 72 hours of polling day and the ordinary vote data is checked. The RO can then be certain the elector has not voted as an ordinary voter at a polling booth on polling day.

ROs open the accepted envelopes, remove and check ballot papers for formality and then sort the ballot papers to 1st preference. A 2PP count is also undertaken for all declaration counts.

11.3 Distribution of preferences

On the Sunday 8 days after polling day, ordinary and declaration formal ballot papers are combined and preferences are distributed until only two candidates remain in the count. ROs finalise the counts by:

- amalgamating all the HA ballot papers into bundles for each candidate
- undertaking the distribution of preferences.

The candidate with the least number of 1st preference votes is excluded or removed from the count and preferences distributed to the next preferred candidate (marked 2 on the excluded candidate's ballot papers). The process of excluding the candidate with the least number of votes and distributing their next available preference continues until two candidates remain.

Candidates for the House of Assembly must obtain an absolute majority (50% plus one) of the total formal votes cast in an electoral district to win a seat in parliament.

Since 1976 all House of Assembly election counts have continued until only two candidates remain, despite any one candidate gaining an absolute majority earlier in the count.

If in the final count, two candidates have an equal number of votes the matter is referred by the Electoral Commissioner to the Court of Disputed Returns. The Court may determine the validity of disputed ballot material or, in the event of this action not resolving the deadlock, order a fresh election.

11.4 Determination of formality

A RO may reverse any decision taken at a polling booth in relation to the formality of ballot papers.

11.5 Declaration of the poll

Usually poll declarations for the House of Assembly will be declared during the second week after polling day once the outcome has become clear. The first declaration is generally that of the leader of the party/group forming the government.

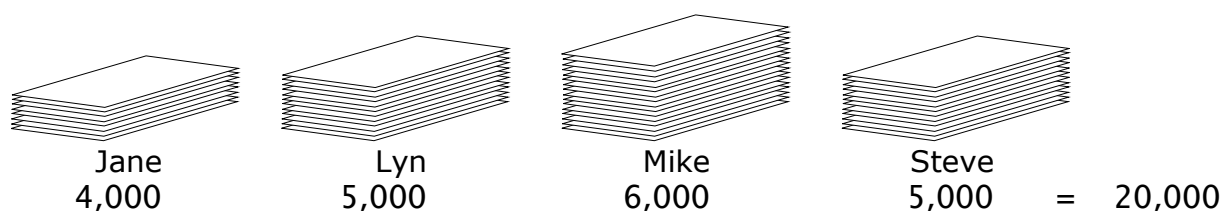
It is organised by ECSA and arrangements will be made for it to take place at a neutral location within the House of Assembly district.

ROs will notify you of the time and place. You have the opportunity to speak at the declaration.

11.6 How preferences work in the House of Assembly

Full Preferential Voting

Jane, Lyn, Mike, and Steve stand for election. They receive the following formal 1st preference votes:

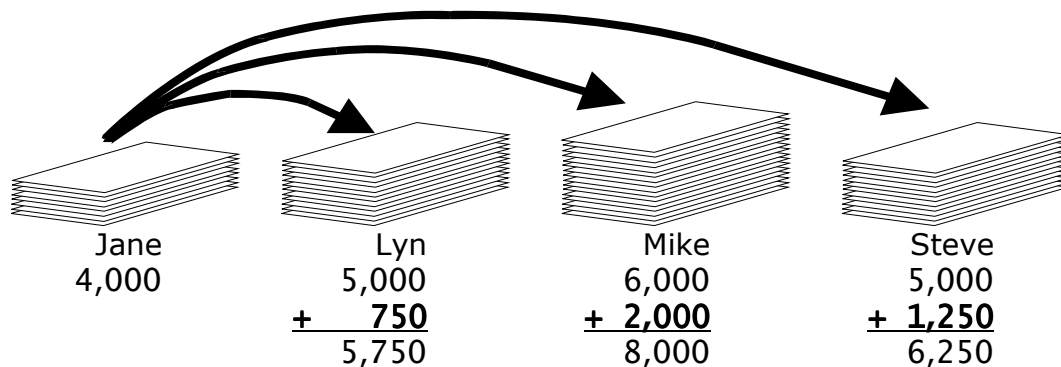


There are a total of 20,000 formal votes. To be elected a candidate needs an absolute majority (50% plus 1 of the formal vote)

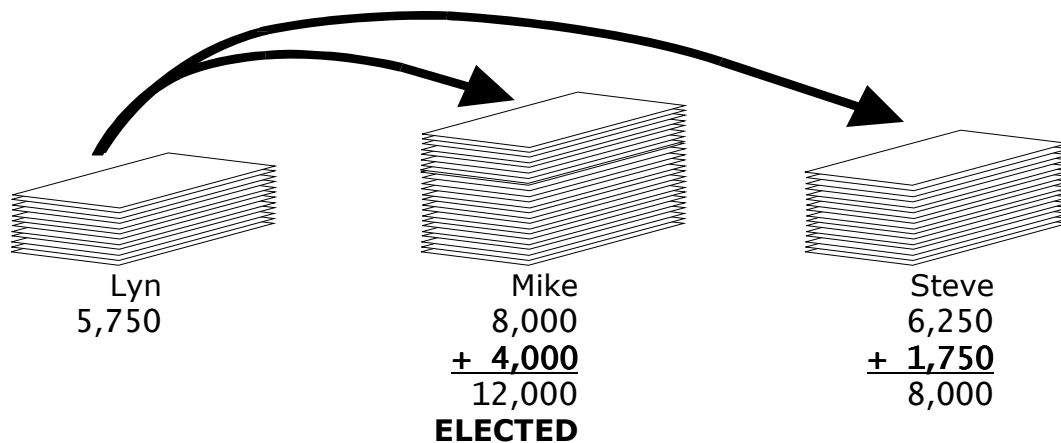
$$\frac{20,000}{2} + 1 = \mathbf{10,001 \text{ votes}}$$

As none of the candidates has gained an absolute majority of the votes at this first count, the candidate with the least number of votes (Jane) is excluded and her ballot papers are transferred to the other candidates according to which candidate was allocated the number 2 (2nd preference).

Jane's votes are transferred as follows:



Neither Lyn, Mike, nor Steve have gained an absolute majority after Jane's ballot papers have been distributed. Lyn is now the candidate with the least number of votes so she is excluded and her ballot papers are distributed according to who was marked as the 2nd (or 3rd) preference.



Once the preferences on Lyn's ballot papers have been distributed (4,000 are marked for Mike and 1,750 for Steve) the ballot papers for each of them are totalled.

Candidate Mike now has more than half of the total votes cast (an absolute majority) and is declared the elected candidate.

PART 12: Re-counts, tied elections & disputed returns

Refer: EA 1985 ss97, 102-108

12.1 Re-counts

The Electoral Act 1985 directs House of Assembly ROs to undertake a re-count of the relevant ballot papers before the declaration of the result.

This re-count or check of ordinary vote House of Assembly ballot papers is undertaken by the RO on the Sunday immediately following polling day (see Section 11.1 of this guide).

In addition, the Electoral Commissioner may direct a RO to conduct one or further re-counts of the ballot papers, including any declaration vote ballot papers, received and accepted for inclusion in the count.

At an official re-count the Electoral Commissioner will determine the admissibility of any ballot papers and declaration certificate envelopes challenged by scrutineers.

You do not have the right under the Electoral Act to demand a re-count. However, where appropriate you may request the Electoral Commissioner to direct a re-count before the declaration of the result of an election.

12.2 Tied elections

If, in the final count, two candidates have an equal number of votes:

- the matter must be referred, on the application of the Electoral Commissioner, to the Court of Disputed Returns
- the Court must determine the validity of any disputed ballot papers
- if it then appears that the deadlock has been resolved, the Court must declare the appropriate candidate elected, if not the Court must order a fresh election.

12.3 Disputed returns

The validity of any election may only be disputed by a petition to the Court of Disputed Returns.

At South Australian State elections, the Supreme Court is the Court of Disputed Returns and its jurisdiction is exercisable by a single judge. The decisions of the Court are final.

The petition

A petition disputing an election or return must:

- set out the facts relied on to invalidate the election or return
- set out the relief to which the petitioner claims to be entitled
- be signed by a candidate at the election in dispute or by a person who was qualified to vote at the election
- be attested by 2 witnesses whose occupations and addresses are stated
- be filed in the Court within 40 days after the return of the writ.

When the petition is filed, the petitioner must deposit with the Registrar of the Supreme Court \$200 as security for costs.

Respondent to petition

The Electoral Commissioner and the person who was the successful candidate are both respondents to any petition in which the validity of an election or return is disputed.

Orders the Court may make

The Court may make any of the following orders:

- that a person found by the Court not to have been duly elected cease to be a member of the House of Assembly
- that a person found by the Court to have been duly elected (but not returned as elected) take his or her seat as a member of the House of Assembly
- declare an election void and require a new election to be held.

The Court may award costs against an unsuccessful party to the petition.

An election will not be declared void on the ground of:

- a defect in a roll or certified list of electors, or
- an irregularity in, or affecting, the conduct of the election,

unless the Court is satisfied on the balance of probabilities that the result of the election was affected by the defect or irregularity.

An election may be declared void on the ground of the defamation of a candidate, or of misleading advertising, but only if the Court of Disputed Returns is satisfied, on the balance of probabilities, that the result of the election was affected by the defamation or misleading advertising.

An election may be declared void on the ground of a breach of section 109 (Bribery), 110 (Undue influence) or 111 (Interference with political liberty):

- if the Court of Disputed Returns finds, either on the basis of a conviction or on the balance of probabilities, that the successful candidate, or a person acting on behalf of the successful candidate with the successful candidate's knowledge, has committed such a breach, then the Court may declare the election to be void whether or not it is satisfied that the result of the election was affected by the breach
- if the Court of Disputed Returns finds, on the balance of probabilities, that the breach was committed without the successful candidate's knowledge, then the Court may declare the election to be void only if satisfied, on the balance of probabilities, that the result of the election was affected by the breach.

PART 13: The complaints protocol

1 PURPOSE

The Complaints Protocol establishes the standards which the Electoral Commissioner requires for formal complaints to be considered; and establishes the standards which individuals and organisations may expect to receive in their dealings with the Electoral Commission of South Australia (ECSA)

The handling of complaints under the *Electoral Act 1985* (the 'Act') is subject to the Complaints Protocol policy of ECSA and the *Instructions for the handling of complaints regarding offences under the Electoral Act, 1985* (the 'Instructions').

2 LODGING A COMPLAINT

Any individual or organisation may make a complaint about an electoral offence under the Act. The complaint must be in writing and establish the facts and provide evidence of the alleged electoral offence.

All complaints should be addressed and sent to:

mail: Electoral Commissioner
Electoral Commission SA
GPO Box 646
ADELAIDE SA 5001

email: **electoral.commissioner@sa.gov.au**

fax: 08 7424 7477

3 CONSIDERATION OF COMPLAINTS

The Electoral Commissioner will consider all formal complaints on merit and the provision of evidence is essential in enabling this consideration.

The Electoral Commissioner will determine, based on the complaint, whether a potential breach has occurred. If no breach is apparent, the complainant will be advised accordingly. However, if the Electoral Commissioner believes a potential offence may have been committed, he/she will contact the alleged offender and allow them an opportunity to make a submission. The Electoral Commissioner may then make a determination based on the information and evidence received (such as seeking a withdrawal of offending material or a retraction of statements); seek further information from either of the parties; issue a warning; or commence prosecution action.

Should a person or organisation who has been accused of committing an electoral offence be contacted for further information they should furnish the Electoral Commissioner with the information requested as soon as possible. Such cooperation will be taken into consideration by the Electoral Commissioner in determining whether to prosecute alleged offenders.

4 CONFIDENTIAL TREATMENT OF COMPLAINTS

The Electoral Commissioner treats complaints confidentially, and does not identify the complainant to the alleged offender. In rare circumstances, the Electoral Commissioner may disclose the identities involved to both parties. Such circumstances typically occur where there exists a likelihood of conflicting evidence relied upon; or where one or more of the parties involved, publicise the matter.

Where the parties involved in a complaint have publicised the matter, the Electoral Commissioner may confirm the existence of a complaint with the media, but will not discuss the details of the complaint.

The Electoral Commissioner may make public comments (eg to the media) following a successful injunction, prosecution or Court of Disputed Returns, in order to ensure electors are aware of a situation and/or have accurate information.

5 TIMEFRAMES

Complaints may be received at any time, however the Electoral Commissioner may take into account the electoral cycle and the likelihood of an incident affecting an election in making his/her determinations. Typically, the majority of complaints the Electoral Commissioner receives, are during the election period.

When a complaint is received in writing, ECSA will acknowledge the complaint as being received and aims to do this within 48 hours. All complaints regarding electoral offences are handled as expeditiously as possible. To ensure this, the Electoral Commissioner may provide deadlines for responses when seeking information from parties involved.

ECSA aims to resolve most issues within 3-4 days. In cases where conflicting evidence and counter submissions occur, matters may take some 1-2 weeks to resolve. Where there is the likelihood of prosecution action, this may extend the resolution for some months.

Election periods are limited and have strict legislative timeframes so time is of the essence when handling complaints regarding electoral offences. There may be the potential for an offence to have an effect on the election results, particularly misleading advertising. However, the Electoral Commissioner is committed to ensuring that any effect is minimised and may seek a withdrawal or retraction of offending material. Furthermore, if the alleged offender fails to withdraw or retract offending material, the Act provides the Electoral Commissioner with the ability to seek a Supreme Court injunction.

6 HISTORY

Instructions for the handling of complaints regarding offences under the *Electoral Act 1985* were commended to Parliament on 3 August 1989.

In 2010, the Electoral Commissioner reviewed the Instructions with input from the Crown Solicitor, Solicitor General and Director of Public Prosecutions. These Instructions now form the basis for the Complaints Protocol and are attached.

ECSA will not provide legal advice on matters of interpretation or any advice on campaign strategy.

Instructions for the Handling of Complaints Regarding Offences under the *Electoral Act, 1985*

PURPOSE

1. These Instructions are intended to regulate the manner in which complaints regarding electoral offences are to be handled and the manner in which assistance is to be afforded to the Electoral Commissioner for the purposes of determining whether or not appropriate legal proceedings are to be commenced in respect of them.
2. In these Instructions the expression "electoral offence" means an offence under Part XIII (sections 109-130) of the *Electoral Act, 1985*, and includes conduct that may be the subject of an application by the Electoral Commissioner to the Supreme Court for an injunction pursuant to section 132 of the *Act*.

COMPLAINT TO POLICE

3. Where a complaint regarding an electoral offence is made to a member of the police force the member must direct the complainant to the Electoral Commissioner for the purposes of making the complaint.

RECEIPT AND INVESTIGATION OF COMPLAINT

4. Any complaint must be in writing and include the particulars regarding the alleged electoral offence.
 - A. Any complaint lodged must be supported by evidence of the alleged electoral offence.
 - B. Anonymous complaints will not be considered unless there is sufficient evidence to commence an investigation.
 - C. The Electoral Commissioner will take reasonable steps to ensure the confidentiality of any person or organisation making a complaint or accused of committing an electoral offence.
5. The Electoral Commissioner must ensure that a complaint regarding an electoral offence is investigated as expeditiously as possible. For this purpose the Electoral Commissioner will, on request, be given assistance by the Crown Solicitor.

SOLICITOR-GENERAL, CROWN SOLICITOR AND DIRECTOR OF PUBLIC PROSECUTIONS

6. When a complaint regarding an electoral offence has been investigated the Electoral Commissioner may seek the advice of the Solicitor-General or the Crown Solicitor. The Solicitor-General or the Crown Solicitor will, if asked to do so, advise the Electoral Commissioner whether an electoral offence appears to have been committed.
7. If an electoral offence appears to have been committed the Solicitor-General or the Crown Solicitor will make a recommendation whether or not a prosecution for the electoral offence should be commenced, or an application by the Electoral Commissioner to the Supreme Court for an injunction, should be made. Any such advice or recommendation will be in writing.
8. However, where the electoral offence is an indictable offence, such written advice or recommendation is to be obtained from the Director of Public Prosecutions.

ELECTORAL COMMISSIONER

9. The Electoral Commissioner should, in normal circumstances, act on any such recommendation, but may seek further legal advice from the Crown Solicitor, Solicitor-General, Director of Public Prosecutions or other legal counsel if the Commissioner considers it appropriate.

Appendix

Refer: CA 1934 ss31, 42(1)(3), 43A, 44, 45, 46, 46A, 47

Vacation of seats in the Assembly

Vacation of seats in the Assembly

CA s31

- (1) If any member of the House of Assembly:
 - a) for twelve sitting days consecutively of any session of the House of Assembly without the permission of the House entered upon its journals fails to attend in the House; or
 - ab) is not or ceases to be an Australian citizen; or
 - b) takes any oath or makes any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign prince or power; or
 - c) does, concurs in, or adopts any act whereby the member may become a subject or citizen of any foreign state or power; or
 - e) becomes bankrupt or an insolvent debtor within the meaning of the laws in force in the State relating to bankrupts or insolvent debtors; or
 - f) becomes a public defaulter; or
 - g) is attainted of treason; or
 - h) is convicted of an indictable offence; or
 - i) becomes of unsound mind,the member's seat in the House of Assembly shall thereby become vacant.
- (2) The seat of a member of the House of Assembly is not vacated because the member acquires or uses a foreign passport or travel document.

Oath of allegiance

CA s42

- (1) No member of Parliament, elected a member of Parliament on or after the commencement of the Constitution Act Amendment Act 1972, shall be permitted to sit or vote therein until the member has taken and subscribed the following oath before the Governor, or before some person or persons authorised by the Governor to administer such oath:

'I do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second, Her Heirs and Successors, according to law. SO HELP ME GOD!'
 - (3) Nothing in this section shall be deemed to affect the operation of the Oaths Act, 1936, as amended, which entitles any person to make an affirmation in lieu of taking any oath required by this Act.
-

Disqualification of members occupying seats in both Houses
CA s43A

- (1) No member of the Legislative Council shall be capable of being nominated as a candidate for election as a member of the House of Assembly.
- (2) No member of the House of Assembly shall be capable of being chosen by an assembly of the members of both Houses of Parliament to supply a casual vacancy in the membership of the Legislative Council.

Disqualification of Judges
CA s44

No Judge of any court of the State shall be capable of being elected a member of the Parliament.

Disqualification of members holding offices of profit
CA s45

- (1) If any member of the Parliament accepts any office of profit or pension from the Crown, during pleasure, excepting those offices which are required by or under this Act or any other Act to be held by members of Parliament, the member's seat shall be thereupon and is hereby declared to be vacant.
- (1a) Subsection (1) does not prevent a member of Parliament from accepting office as a Minister of the Crown, or as Parliamentary Secretary to a Minister, or a Minister of the Crown from accepting an appointment to act in the office of another Minister.
- (2) If a candidate for election as a member of Parliament holds an office of profit from the Crown the candidate shall, unless he or she resigns that office before the date of the declaration of poll, be incapable of being elected.

Effect of election of disqualified person
CA s46

- (1) If any person by this Act disabled from or declared to be incapable of voting or sitting in Parliament is, nevertheless, elected and returned as a member to serve in Parliament for any electoral district, the person's election and return shall be void to all intents and purposes whatsoever.
 - (2) If any person so elected and returned, contrary to the provisions of this Act, sits or votes as an elected member of Parliament the person shall forfeit the sum of one thousand dollars to be recovered by any person who sues for it in the Supreme Court or in any other court of record in the State having competent jurisdiction.
-

**Crown pensioners
qualified for election**
CA s46A

Notwithstanding any other provision of this Act a person who has been in the employment of the Crown and has retired from that employment, and has by virtue of that employment become entitled to a pension wholly or partly paid by the Crown, shall not, by reason only of the receipt of that pension:

- a) be disabled from or incapable of being elected as a member of the Parliament or of sitting and voting therein; or
- b) be liable to any forfeiture, fine, or other disability for so sitting and voting.

**Prevention of
membership of both
Commonwealth and
State Parliaments**
CA s47

- (1) No member of either House of the Parliament of the Commonwealth shall be a member of either House of the Parliament of the State.
 - (2) If any member of either House of the Parliament of the State is elected a member of either House of the Parliament of the Commonwealth the member shall vacate his or her seat in the Parliament of the State on taking his or her seat in the Parliament of the Commonwealth.
-

Glossary of terms

Absent vote A vote cast at a polling booth by an elector outside his or her enrolled electoral district on polling day. See **Declaration vote**.

Absolute majority In South Australia a candidate for House of Assembly elections must receive more than half the formal votes (at least 50% + 1 vote) to be elected. This is called an absolute majority. See **Preferential voting**.

Assembly, House of See **House of Assembly**.

Ballot The process of voting at an election.

Ballot box The sealed box into which ballot papers are placed by electors after voting.

Ballot paper A paper printed for an election showing the candidates' names and affiliations or the paper containing a question to be decided in a referendum, that voters mark to record their vote.

By-election An election held in only one electoral district to fill a casual vacancy caused by the resignation, death or retirement of a House of Assembly member.

Candidate A person who is nominated to stand for election.

Central processing centre (CPC) The central processing centre is used for:

- the receipt of postal applications and issue of ballot material
- the receipt of pre-poll and polling day declaration votes and despatch to ROs
- the scrutiny and count for the election of members to Legislative Council.

Count centre Any place appointed for the scrutiny and count of ballot papers eg polling booth, RO office, central processing centre (CPC).

Declaration of poll A formal announcement of the result of an election by a RO declaring the successful candidate as the elected Member. See **Returning officer (RO)**.

Declaration vote A vote given to electors who are unable to vote at a polling booth in their enrolled district on polling day. Enrolment details are provided by the elector on the declaration vote envelope, the completed ballot papers are placed inside the envelope which is then sealed. They are later distributed to the appropriate district RO for inclusion in the count. (Declaration votes include absent, postal and pre-poll voting votes).

Declared institution The Electoral Commissioner may, by notice in the *Government Gazette*, declare the whole or a specified part of an institution such as a hospital, nursing home or corrective institution to be a 'declared institution' for the purpose of issuing votes to electors who are residents and unable to attend a polling booth.

Disputed returns A challenge to the validity of an election result. Disputed elections are referred to a Court of Disputed Returns to be resolved.

District (electoral) A defined geographical area of the State. The whole of the State is one electoral district for the Legislative Council, while there are 47 electoral districts for the House of Assembly, each containing approximately equal numbers of electors.

Donkey vote The preferential system of voting requires an elector to mark the ballot paper with sequential numbers in order of preference. A donkey vote is one that is marked 1-2-3-4 straight down or, less frequently, up the paper.

Draw or lot An object such as a slip of paper drawn from others to make a choice. The order of candidates' names on the ballot papers is determined by a draw or 'lot'.

Early vote See **Pre-poll vote**.

Early voting officer See **Pre-poll voting officer**.

Election The choosing of representatives to occupy official positions by voting.

Electoral A person entitled to vote at an election.

Electoral Act (EA) The legislation which sets down the rules for the conduct of parliamentary elections and other electoral procedures.

Electoral Commissioner (EC) The statutory officer responsible to the Minister for the administration of the Electoral Act, including the proper conduct of elections and the implementation of appropriate publicity, education and research programs.

Electoral Commission of SA The agency responsible for administering and overseeing the conduct of electoral events.

Electoral offence Any action which breaches electoral law as specified by the Electoral Act.

Electoral roll A certified list of electors who have enrolled and are eligible to vote in an election.

Electoral visitor Electoral officials who visit 'declared institutions' (hospitals, nursing homes etc) on or before election day to provide on-the-spot voting facilities for electors unable to attend a polling booth.

Electorate This refers to electors (the constituency) or an electoral district. In SA there are currently 47 House of Assembly Districts and 1 Legislative Council District. See **District**.

Enrolment The process of filling out an Electoral Enrolment Form so as to have one's name included on the electoral roll.

Formal vote A ballot paper which has been correctly marked and counts towards the result of an election.

General elections In South Australia general elections are held for all House of Assembly seats (47) and half the Legislative Council seats (11) every four years. See **Term**.

Government A system by which a community is governed. Australia has three tiers of government: Federal, State and Local.

Group An alliance of candidates with similar interests.

Group voting ticket See **Voting ticket**.

House of Assembly The lower house of State parliament comprising 47 members each elected by the voters in an electoral district in South Australia.

How-to-vote card A card, in the form of a ballot paper, distributed by parties and independents indicating to electors how they should record their preferences when voting.

Independent A candidate or Member of Parliament, who is not a member of a registered political party.

Informal ballot paper A ballot paper which is declared invalid as it does not comply with the instructions governing the election and cannot therefore be accepted into the count.

Legislation The name given to a law or set of laws that have passed both Houses of Parliament and been assented to by the Governor.

Legislative Council The upper house of State Parliament comprising 22 members elected by voters for an eight year term, half of whom are elected at each State General Election.

Lower house See **House of Assembly**.

Majority See **Absolute majority**.

Marginal seat A seat requiring a swing of less than 6% is usually regarded as marginal.

Members of Parliament All elected representatives.

Mobile polling A voting facility provided some time during the 12 days up to and including polling day for electors in remote areas of the State.

Offence See **Electoral offence**.

Officer in charge Electoral official appointed to manage electoral proceedings in a particular location eg ballot material issuing, processing and counting activities.

Ordinary vote Ordinary votes are issued on polling day to electors at a booth who:

- are enrolled at an address in the district for which the polling booth has been established, and
- whose name appears on the certified roll of electors for that district, and
- the certified roll has not been marked to indicate that ballot papers have already been issued.

Poll An election.

Polling booth/place Location where voting takes place.

Polling booth manager The electoral official in charge of a polling booth.

Polling official An electoral official appointed to assist in the conduct of an election or poll.

Postal vote Electors who are away from their home State or Territory on polling day, or unable to get to a polling place, may apply for and send a vote by post. In South Australia it is also called a Declaration Vote.

Preferential voting A voting method where electors are required to mark the ballot paper using consecutive numbers to record their order of preference for all candidates. A candidate receiving an absolute majority, at least one more than 50% of the formal vote, is elected. If no candidate achieves this, then preferences are distributed to remaining candidates until one candidate has an absolute majority. This system of voting and counting is used in House of Assembly elections.

Pre-poll vote A vote made in person at an authorised issuing centre after the close of nominations and prior to polling day.

Pre-poll voting officer Pre-poll voting officers are appointed at various locations intrastate, interstate and overseas to issue ballot papers to electors unable to attend a polling booth on polling day.

Proportional representation A system of vote counting designed to elect representatives who obtain a specified quota or proportion of votes. This system is used in Legislative Council, Senate and some Local Government elections.

Quota The proportion or percentage of formal votes required under a proportional representation voting system for a candidate to be elected. In Legislative Council elections a candidate must obtain a quota (about 8.3%) of the total votes cast.

Re-count A second or further count of votes to verify a result.

Register of declaration voters A list of electors who automatically receive voting material by post after satisfying the Electoral Commissioner that they are unable to attend a polling booth due to physical disability, religious belief, caring for a person who is seriously ill, infirm or disabled, not within 20 kilometres of a polling place or suppression of address on the electoral roll.

Registered Political party An organisation registered with the Electoral Commission of SA endorsing candidate(s) for election to the House of Assembly or Legislative Council.

Registrar A Commonwealth electoral officer responsible for maintaining and updating electoral rolls.

Return of writ When a general election is finalised, the Writ is returned to the Governor with the names of the successful candidates, now members of Parliament. Following a by-election in the House of Assembly, the Writ is returned to the Speaker. See **Writ**.

Returning Officer (RO) The electoral officer responsible for conducting an election in an electoral district.

Roll See **Electoral roll**.

Safe seat A seat which is held by a sufficiently large margin of votes that is unlikely to be lost at the next election. Seats requiring a swing of more than 10% are usually regarded as safe.

Scrutineer A person appointed by a candidate to observe the polling process and the sorting and counting of ballot papers, also having the right to question the validity of any votes.

Scrutiny The sorting, counting and rechecking of ballot papers following the close of poll.

Seat A seat in a parliament held by an elected member. Can also refer to a member's electorate (district).

Secret ballot A vote made in secret. Adopted in South Australia in 1856, often called the 'Australian Ballot'.

Shared booth A polling booth established near the boundaries of adjoining districts to service the needs of electors of 2 or 3 districts.

Swing An analysis of previous election results (in percentage terms) used to identify the shift in political support that would be required in electoral districts for seats to be won or lost at an election.

Term The length of time a parliament may sit before an election must be called. The South Australian Parliament has a set 4 year term.

Two-candidate preferred (2CP) vote The votes allocated to the two candidates assessed as likely to remain in the count after the distribution of preferences from other candidates (election night) or votes actually counted to the final two candidates remaining in the count.

Two-party preferred (2PP) vote The votes allocated to the two major parties, Labor and Liberal, after the distribution of preferences from other candidates.

Upper house See **Legislative Council**.

Vote The process of electing a candidate. A vote can be made by voice, a show of hands or by marking a ballot paper. See also **Absent**, **Declaration**, **Formal** and **Postal votes**, **Informal ballot paper**.

Voting ticket A statement lodged no later than 72 hours after the close of nominations by a candidate or on behalf of a candidate endorsed by a registered political party by the registered officer indicating the order in which voters, who do not mark their full preferences on the ballot paper, may be presumed to have allocated preferences.

Writ The legal document issued by the Governor authorising a general election or referendum, specifying the dates by which various procedures must be completed. The Speaker issues writs for House of Assembly by-elections.

Candidate reminder

Your rights and obligations

Have you:

- Read this Guide?
- Understood your rights and obligations?
- Checked your:
 - eligibility to stand as a candidate?
 - nominator's credentials?
- Obtained your deposit (\$3,000 cash or banker's cheque)?
- Completed the correct nomination form?
- Indicated an intention to lodge a voting ticket?
- Checked the closing time for lodging:
 - nominations?
 - voting tickets?
 - how-to-vote cards?

Your advertisements must be

- Authorised
- Not misleading
- The correct size
- Displayed as permitted by electoral legislation/council by-laws

Your scrutineer/s rights and obligations

- Have you discussed with your scrutineer(s):
 - the Protocol for Scrutineering?
 - the contents of the Scrutineer Guide?
- Have you and your scrutineer(s) signed the Scrutineer Appointment form?

Remember: Contact your scrutineer(s) to advise details of polling and scrutiny dates/times/locations and provide signed copies of the appointment form.



Level 6, 60 Light Square, Adelaide SA 5000
Post: GPO Box 646, Adelaide SA 5001

Telephone: 61 8 7424 7400
Facsimile: 61 8 7424 7444
Election Enquiries: 1300 655 232

www.ecsa.sa.gov.au